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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,448	04/12/2001	Howard Letovsky	30554-05700	5265
7590 08/03/2004			EXAMINER	
W. Jackson Matney, Jr. Milbank, Tweed, Hadley & McCloy LLP International Square Building 1825 Eye Street, N.W. Washington, DC 20006			CHERUBIN, YVESTE GILBERTE	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,448

Applicant(s)

LETOVSKY ET AL.

Examiner

Yveste G. Cherubin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-23 and 25-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-23 and 25-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the communication filed February 27, 2004. Claims 1-9, 11-23, 25-34 are pending.

Abstract

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet *within the range of 50 to 150 words*. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

3. The Applicant's arguments in regard to the 112 rejection have been taken into consideration. Due to the amended claims, the 112 rejection has been withdrawn.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it

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pertains, or with which it is most nearly connected, to make and/or use the invention. There is no support for the term "codec filter" in the specification. In the advent that the Applicant disagrees, the Examiner is urging the Applicant to point out to the lines and pages where she can find support for the term.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 1-2, 4-6, 9, 11-15, 25-27, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar (US Patent No. 6,508,709) in view of Patel et al. (US Patent No. 6,731,600).

Regarding claims 1, 11-15, 34, Karmarkar discloses an interactive gaming system comprising a player station (54), being read as a user computer, a data network (50) in communication with said player station, a gaming server (34) in communication with said data network (50). Karmarkar discloses remote player terminals including remote processors, which perform appropriate command, such as control functions, 1:26-27, 7:58-60, 17:43-67, 18:1-57. Karmarkar further discloses transferring data using data compression and encryption, 2:12-36, 12:1-18. Although Karmarkar uses encryption and compression techniques to transfer data, he fails to disclose providing a bandwidth and transmission detection device in his system. Patel teaches a system and method

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for determining network conditions in which he includes bandwidth and transmission detection device, see abstract, 6:4-15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the detection device as taught by Patel in the Karmarkar type system in order to estimate the amount of available transmission bandwidth between the server computer and the client computer. Regarding claim 2, Karmarkar discloses using video cameras (60, 70, 80) in communication with gaming server.

Regarding claim 4, Karmarkar discloses the remote processor performing appropriate routing functions, 7:58-60.

Regarding claim 5, archiving, by definition, means a collection containing records, documents, or other materials of historical interest. Although Karmarkar fails to disclose including an archive server in his system, Karmarkar discloses storing gaming episodes for later playback, 2:37-56, 9:66-67, 10:1-7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to note that Karmarkar is using an archiving unit to store and save the recorded games for later use. Accordingly, Karmarkar is cited to teach the archiving server claimed by the instant invention.

Regarding claim 6, Karmarkar discloses using appropriate time stamping feature in his system, 25:21-37. Including the time-stamping unit in the archiving server would have been a matter of design choice.

Regarding claim 9, Karmarkar discloses transmitting information in real time, 13:33-36.

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Regarding claims 25, 26, Patel teaches automatic detection, 9:60-67, 10:1-4, 13:4-8, and further teaches optimizing transmitted information based upon the detected bandwidth and transmission speed, 11:67, 12:1-3.

Regarding claim 27, Patel teaches adjusting transmission rate/speed between the server computer and the client computer based upon the detected bandwidth and transmission speed, 11:67, 12:1-3. It would have been obvious to one of ordinary skill in the art at the time the invention was made to follow the same logic to select appropriate encryption and compression techniques.

b. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar (US Patent No. 6,508,709) in view of Patel et al. (US Patent No. 6,731,600) and further in view of Watt (US Patent No. 5,781,532).

Regarding claim 7, Karmarkar in view of Patel disclose the claimed invention as substantially as discussed above. Karmarkar in view of Patel fail to disclose a relay switching and serial data interface in communication with the gaming server and the wagering device. Watt teaches a network system providing a relay switching and data link interface, 1:46-53. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the feature cited above as taught by Watt into the Karmarkar in view of Patel type system in order to reduce congestion.

c. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar (US Patent No. 6,508,709) in view of Patel et al. (US Patent No. 6,731,600) and further in view of Khosla (of record).

As per claim 8, Karmarkar in view of Patel disclose the claimed invention as substantially as explained above. Karmarkar in view of Patel fail to disclose gaming server comprising a file compression codec filter. Khosla teaches a system allowing remote players to participate. Khosla further teaches providing sophisticated compression and filtering functions, 4:44-45. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the filtering functions taught by Khosla in the Karmarkar in view of Patel type system in order to

d. Claims 3, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar (US Patent No. 6,508,709) in view of Patel et al. (US Patent No. 6,731,600) and further in view of Lvov (of record).

Regarding claims 3, 16, 32-33 Karmarkar in view of Patel disclose the claimed invention as substantially as explained above. Karmarkar in view of Patel fail to disclose accessing personal financial information through the remotely located computer. Lvov teaches a network system capable of settling financial information using electronic communication, 4:36-44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the electronic financial communication as taught by Lvov into the Karmarkar in view of Patel type system in order to allow betting

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of real money through player's bank accounts. As per claim 17, Lvov allows players to use their bank or gaming account to wager, 10:40-43. As per claims 18, 19, Lvov teaches the financial communication between a player's gaming account and a player's deposit account, such as the transfer of gains or losses, 10:14-25, 62-64, 11:17-23. As per claim 20, Lvov teaches logging all gaming events and enabling players to check the validity of all gaming actions to prevent possibility of fraud, 11: 36-38.

e. Claims 21-23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar in view of Patel and further in view of Graves (of record).

As per claim 22, Karmarkar in view of Patel disclose the claimed invention as substantially as shown above. Karmarkar in view of Patel are silent on using a human proxy. Graves teaches a system where a proxy player assists a remote player/client at a gaming site, 2:37-39. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a proxy player as taught by Graves in the Karmarkar in view of Patel's system in order to participate in a game in order to facilitate game play to players that are incapable of attending the gaming site. As per claims 21, 23, Graves teaches a system comprising entering commands into the device using proxy, 2:39-59.

f. Claims 28-31 rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar in view of Patel and further in view of Vuong (US Patent No. 5,762,552).

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As per claim 28-29, 31, Karmarkar in view of Patel disclose the claimed invention as substantially as shown above. Karmarkar in view of Patel fail to disclose polling wagering devices for availability. Vuong teaches an interactive real-time network gaming system allowing remote players to participate, 8:14-19,9:58. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above feature as taught by Vuong into the Karmarkar in view of Patel type system in order to facilitate the device selection by the players. As per claim 30, Vuong further teaches a network manager capable of tracking the current availability of active gaming tables and Vuong teaches using visual representations to select wagering device, 10:30-47.

Prior Art Citations

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. US Patent No. 5,654,746 to McMullan et al., which teaches secure authorization and control method and apparatus for a game delivery service.
 - b. US Patent No. 6,292,834 to Ravi et al., which teaches dynamic bandwidth selection for efficient transmission of multimedia streams in a computer network.
 - c. US Patent No. 6,256,669 to Hurwitz, which teaches method and apparatus for bandwidth characterization and reporting in web browsers.
 - d. US Patent No. 6,601,099 to Florschuetz, which teaches method and system of automatic bandwidth detection.

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Response to Arguments

6. Applicant's arguments with respect to claims 1-9, 11-23, 25-34 have been considered but are moot in view of the new ground(s) of rejection. See rejection above.

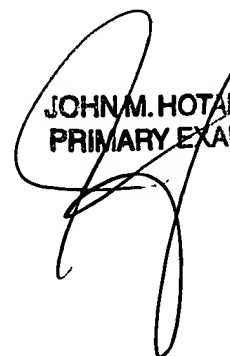
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yveste G. Cherubin whose telephone number is (703) 306-3027. The examiner can normally be reached on 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. Wellington can be reached on (703) 308-2159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER